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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,822	02/27/2004	Katsuhiro Nishiwaki	P/1689-135	8236
2352 7590 05/01/2008 OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403				
EXAMINER				
KRASNIC, BERNARD				
ART UNIT		PAPER NUMBER		
2624				
MAIL DATE		DELIVERY MODE		
05/01/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/789,822

Applicant(s)

NISHIWAKI ET AL.

Examiner

BERNARD KRASNIC

Art Unit

2624

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 April 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Jingge Wu/
Supervisory Patent Examiner, Art Unit 2624

Continuation of 11, does NOT place the application in condition for allowance because:
Applicant's arguments filed 4/10/2008 have been fully considered but they are not persuasive.

The Applicant alleges, "At page 3 of the Office Action ..." in page 2 and "Claim 1 recites ..." in page 2, and states respectively that the Examiner's broadest reasonable claim language interpretation is inaccurate and clearly outside the scope of the claims because the Applicant's specification (paragraph [0034]) states that the claimed G-R/B image data regards elimination of only the R or B component (never the G component). In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., G-R/B regards elimination of only the R or B component and never the G component) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore the claimed limitation of "compresses the generated RGB image data to G-R/B image data of a compressed data volume by elimination of an R component and B component among R, G, and B components" satisfies the Examiner's broadest reasonable claim language interpretation in which the elimination of every other pixel is among each R, B, and also G components as the prior art teaches because the claim never specifies that the elimination of every other pixel is only for the R and B component.

The Applicant alleges, "Applicants' claim 1, as previously presented ..." in pages 2-3; "The prior art, including the combination ..." in page 3, "Van Asma is directed to a plurality ..." in page 3 and "Accordingly, the Examiner cites to Gonzalez for teaching ..." in page 3, and states respectively that the prior art references Van Asma and Gonzalez in combination or alone do not teach the claimed limitation of providing G-R/B image data of a compressed data volume by elimination of an R component and a B component with regard to every other pixel in a main scanning direction of the image but rather, Van Asma teaches upscaling and downscaling and Gonzalez teaches data compression as a function of pixel skipping. The Examiner disagrees because Van Asma teaches the claimed limitation of compressing / downsampling the generated RGB image data / digital RGB color to G-R/B image data / downscaled image of a compressed data volume / downscaled image and Gonzalez teaches that the compressed data volume / downscaled image is achieved by elimination of an R component and a B component with regard to every other pixel / essentially pixel skipping [the compression is a downsampling by deleting every other row and column among each R, G, and B components included in the RGB image data, the broadest reasonable claim language interpretation never specifies that the elimination of every other pixel is only for the R and B component] in a main scanning direction of the image. Van Asma also teaches upscaling by interpolating the downscaled image to produce the same sized image with every component of the image filled with some type of pixel value. Therefore Van Asma in view of Gonzalez does teach compressing the generated RGB image data to G-R/B image data of a compressed data volume by elimination of an R component and a B component. Therefore the claim rejection toward claim 1 is maintained. Similarly, the claim rejection toward claim 3 is also maintained.

The Applicant alleges, "Applicant's claim 2, which depends directly from claim 1, further ..." in page 4, and states respectively that the prior art reference Garlick does not provide the features of the data bus having a width that is $(3+n)$ th power of 2 bits. However the Examiner disagrees because Garlick teaches that the data size of memory of the downscaled data is 16bits and clearly shows that the data bus width is $(3+n)$ th power of 2bits where $n=1$. Therefore the claim rejection toward claim 2 is maintained.

As discussed above, all the claim rejections are maintained and therefore claims 1-3 are still not in condition for allowance because they are still not patentably distinguishable over the prior art.